

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x **AFFIRMATION**  
**IN OPPOSITION**  
SHAFAYETTE SAKIF, an infant by his parents  
and natural guardians. SADIA BEGUM and  
MOHAMMED UDDIN, and SADIA BEGUM  
And MOHAMMED UDDIN, 06 CV 2719  
(AJP)

Plaintiffs

-against-

UNITED STATES OF AMERICA,

Defendant.

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Peter R. Taglia, Esq., an attorney admitted to practice law in the State of New York and to the U.S. Southern District Of New York, affirms under penalty of perjury:

I am a partner in the firm Dwyer & Taglia, Esqs. I have been retained to represent Dr. Lawrence Ham should he be named as a defendant in a lawsuit asserting claims not covered by the Federal government (USA).

I submit this affirmation, per U.S. Magistrate Judge Andrew J. Peck's request, in opposition to the plaintiffs' motion seeking to serve an Amended Complaint (naming Dr. Ham and other physicians as defendants) and to preclude these prospective defendants from asserting an affirmative defense based upon the statute of limitations imposed under New York State Law. In doing so, I do not concur with the Court's exercise of jurisdiction over Dr. Ham (personal or subject matter) before

he is even named. In fact, it is my position that Dr. Ham, not being a party, should not have his rights determined by this Court. Indeed, based upon the arguments set forth in the accompanying memorandum of law, it appears that the Court lacks subject matter over the entire case. At a minimum, it would be premature to rule upon his rights and defenses until it determines if it has jurisdiction over him and the case as a whole.

I respectfully adopt the legal and factual arguments set forth in the memorandum of law.

Dated: May 25, 2007  
New York, New York

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Peter R. Taglia, Esq.